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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,337	02/07/2002	Naoki Kimura	Q67362	4604

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SUGHRUE MION, PLLC  
2100 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20037

EXAMINER

PAK, SUNG H

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 08/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/067,337

Applicant(s)

KIMURA, NAOKI

Examiner

Sung H. Pak

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

All references submitted in the information disclosure statement have been considered by the examiner.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 26-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Zhou (US 6,081,638).

Zhou discloses an optical device all the limitations set forth in the claims, including: light emitting means for emitting signal light ("102" Fig. 5); optical transmitting means for transmitting the signal light ("101" Fig. 5); light monitoring means for receiving forward light emitted from the light emitting means ("103" Fig. 5); support means for supporting the light emitting means and the optical transmitting means ("100" Fig. 5); wherein the light monitoring means is arranged above the optical transmitting means such that a light receiving surface faces downward with respect to the support means (Fig. 5); wherein the forward light is a portion of leakage light that is not coupled to the optical transmitting means (Fig. 5); wherein the optical transmitting means is an optical waveguide (Fig. 5); further comprising reflecting means disposed between the

optical waveguide and the support means for reflecting leakage light of the signal light that is not coupled to the optical waveguide ("105" Fig. 5); wherein said light monitoring means receives leakage light reflected by said reflecting means (Fig. 5); wherein said optical transmitting means is an optical fiber ("101" Fig. 5); positioning means for positioning said optical fiber so that said signal light emitted from said light emitting means can be optically coupled to said optical fiber ("100" Fig. 5); wherein said light monitoring means is disposed so that it cannot contact said optical fiber (Fig. 5); wherein a current generated by said light monitoring means is used to control said signal light output from said light emitting means (Fig. 5 and abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-25, 38-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukutomi (US 2001/0033716 A1) in view of Zhou (US 6,081,638).

Fukutomi discloses an optical device with all the limitations set forth in the claims, except it does not teach the use of a light monitoring means for receiving forward light emitted from the first light emitting means.

Specifically, Fukutomi discloses: An optical semiconductor module comprising: a light emitting means for emitting first signal light (Fig. 3) ; first guiding means for guiding

said first signal light (Fig. 3); light monitoring means for receiving light emitted from said first light emitting means ("11" Fig. 3); second guiding means for guiding a second signal light input into said optical semiconductor module (Fig. 3); filtering means for allowing transmission of a predetermined signal light (Fig. 2a); and support means for supporting said light emitting means (Fig. 2a, Fig. 3).

Fukutomi, however, teaches the use of a light monitoring means that detects the backward emitted light. Zhou, on the other hand, teaches the use of a monitoring means that detects the forward emitted light as claim in this application (discussed above). Zhou teaches that such an arrangement is advantageous over the prior art backward emitted light detection (Fig. 1), because it allows for a more accurate measurement of optical power (column 2 lines 4-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Fukutomi device to have a light monitoring means that detect forward emitted light as claimed in the instant application.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (703) 308-4880. The examiner can normally be reached on Monday - Thursday : 6:30am-5:00pm.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Sung H. Pak  
Examiner  
Art Unit 2874

sp  
July 31, 2003



HEMANG SANGHAVI  
PRIMARY EXAMINER